

***Fletcher, Heald & Hildreth, P.L.C.***  
***1300 North 17<sup>th</sup> Street 11<sup>th</sup> floor***  
***Arlington VA 22209***  
***703-812-0400 (voice)***  
***703-812-0486 (fax)***

MITCHELL LAZARUS  
703-812-0440  
LAZARUS@FHHLAW.COM

October 24, 2001

Ms. Magalie Salas, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

**Re: ET Docket No. 98-153 -- Revision of Part 15 of the Commission's Rules Regarding  
Ultra-Wideband Transmission Systems  
*Ex Parte Communication***

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, on behalf of XtremeSpectrum, Inc., I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, Martin Rofheart of XtremeSpectrum, Inc., Michele Farquhar, Esq., of Hogan & Hartson, L.L.P., Veronica Haggart, Esq., and I met with Robert Pepper, Evan R. Kwerel, and John R. Williams of the Office of Plans and Policy.

We distributed excerpts from a presentation substantially identical to that filed in the docket on August 15, 2001, and reiterated positions XtremeSpectrum has previously stated in this proceeding, with emphasis on the following points:

- ***All documented interference concerns have been addressed.*** Technical proposals in the docket have fully resolved all interference issues -- including GPS and PCS -- raised by parties that have documented their concerns.
- ***Unnecessarily stringent technical rules will make costs too high for consumers.*** Restricting ultra-wideband to frequencies above 6 GHz would rule out the most commonly used semiconductor technologies, and that in turn would force prices too high for most consumer applications. Reasonable limits on emissions below 3.1 GHz would also add costs, although not unacceptably. But no party has documented *any* interference issues between 3.1 and 6 GHz; and XtremeSpectrum's proposals have resolved all documented issues below 3.1 GHz.

- ***Sound engineering is critical to this proceeding.*** XtremeSpectrum developed its engineering solutions in response to concerns about interference. Although XtremeSpectrum publicly expressed its doubts that some of these measures are necessary, we agreed to abide by them if the Commission so requires. These offers reflect XtremeSpectrum's ability and willingness to tailor its technology -- even at additional expense -- to assure existing users that they will be free of harmful interference. The Commission should not hold back all ultra-wideband proponents in the event some are unable to meet the technical conditions necessary to protect other users.
- ***A ban on peer-to-peer operations is both unnecessary and harmful.*** A peer-to-peer ban would deny consumers many of the most attractive applications of ultra-wideband, and would impose on manufacturers of consumer devices the unacceptable burden of configuring ultra-wideband differently for different products. A ban on outdoor infrastructure will fully achieve the Commission's goals of limiting interference from outdoor operations, without these disadvantages. Alternatively, if the Commission concludes that occasional street-level use threatens harmful interference, it should simply set appropriate ultra-wideband emissions limits below 3.1 GHz to protect against that eventuality.
- ***Regulatory options are desirable.*** To encourage competition and innovation, the Commission should allow manufacturers to choose among two or more regulatory plans, each of which fully protects other users, but each of which accommodates differing ultra-wideband technologies.

If there are any questions about this submission, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus  
Counsel for XtremeSpectrum, Inc.

cc: Meeting participants